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TECH CENTER 1600/2000

Applicant : John E. N. Morten

Art Unit : 1634

Serial No. : 09/787,295

Examiner : Carla J. Myers

Filed : March 16, 2001

Title : POLYMORPHISMS IN THE HUMAN ALPHA4 INTEGRIN SUBUNIT GENE,
SUITABLE FOR DIAGNOSIS AND TREATMENT OF INTEGRIN LIGAND
MEDIATED DISEASES

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed July 2, 2002, please amend the application as follows.

In the claims:

Please add new claim 12.

--12. The method of claim 1, wherein the sequence is determined at all of the following nucleotide positions: 740, 2273, 2446, 3311, and 3506 as defined by the positions in EMBL Accession No. L12002; 967 as defined by the position in EMBL Accession No. L26509; and 184, 238, 331, 436, 676, 1010, and 1115 as defined by the positions in EMBL Accession No. M26841.--

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 30, 2002
Date of Deposit

Lenora H. Francis
Signature

LENORA H. FRANCIS
Typed or Printed Name of Person Signing Certificate

REMARKS

Claims 1-12 are now pending in the application, new claim 12 having been added by the above amendment. Support for this claim can be found in claim 1 as originally filed, as well as in the specification at page 7, lines 22-24. No new matter has been added.

Applicant elects the invention of Group I, drawn to nucleic acids and methods of detecting nucleic acids. Further, applicant elects the polymorphism at position 2446 of the α_4 integrin subunit gene according to the position in EMBL Accession No. L12002. These elections, however, are made with traverse.

Applicant points out that claim 1 covers determining the sequence "at one or more" of the 13 listed nucleotide positions of the α_4 integrin subunit gene. If the restriction requirement restricting the 13 polymorphisms to 13 separate groups is allowed to stand, it will limit applicant to claiming a method of determining the sequence at only a single one of the 13 positions. The restriction requirement ignores those embodiments of the claims in which the sequence at two (or three, or four, up to 13) of the positions is determined. It essentially prohibits applicant from presenting claims limited to such embodiments in this application or any divisional. An example of such a claim is submitted as a new claim 12 above. As this claim is dependent on claim 1, it must be included in the elected group. However, it clearly will require examination of all 13 polymorphisms. Applicant fails to see how the restriction requirement, as presently formulated, can stand in view of new claim 12.

Applicant strongly protests and requests withdrawal of the restriction requirement, at least with respect to restricting among the 13 polymorphisms.

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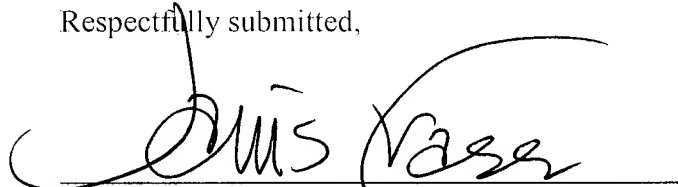
Attorney's Docket No.:
06275-288001 / SAD/AFG/Z70390/UST

Enclosed is a Petition for Extension of Time for four months and a check for the required fee of \$1960. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

Dec. 20, 2002



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